

## Message Text

UNCLASSIFIED

PAGE 01 GENEVA 03975 300914Z

50  
ACTION L-03

INFO OCT-01 IO-13 ADP-00 COA-02 EB-11 OIC-04 CIAE-00

DODE-00 PM-07 H-03 INR-10 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SS-15 USIA-15 ACDA-19 AEC-11 AGR-20 CG-00

COME-00 DOTE-00 FMC-04 INT-08 JUSE-00 NSF-04 OMB-01

TRSE-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSR-01 /239 W

----- 088018

R 300730Z JUL 73  
FM USMISSION GENEVA  
TO SECSTATE WASHDC 819  
INFO USMISSION USUN NY

UNCLAS GENEVA 3975

E.O. 11652: N/A  
TAGS: PBOR, UN  
SUBJECT: LOS: SC-I WG MTG JULY 24, MORNING SESSION

1. WG REVIEWED POWERS AND FUNCTIONS COUNCIL IN REGARD CARRYING OUT SPECIFIED AND DELEGATED DUTIES; MAKING RECOMMENDATIONS TO ASSEMBLY; ENTERING INTO, IMPLEMENTING AND ADMINISTERING ARRANGEMENTS BETWEEN AUTHORITY AND UN OR OTHER INTERGOVERNMENTAL ORGANIZATIONS; MAINTAINING LAW AND ORDER, AND DISPUTE SETTLEMENT.
2. WG DEBATED WHETHER PROVISION AUTHORIZING COUNCIL TO CARRY OUT SPECIFIED DUTIES WAS NECESSARY. US REP ASKED IT BE RETAINED FOR PRESENT.
3. USSR REP PROPOSED ALTERNATIVE TEXT ON POWERS OF COUNCIL TO MAKE RECOMMENDATIONS TO ASSEMBLY. US REP ASKED FOR PROVISION WHICH WOULD GIVE ASSEMBLY POWER TO ADOPT AND APPROVE COUNCIL RECOMMENDATIONS BE DELETED UNTIL GENERAL QUESTIONS OF POWERS AND FUNCTIONS OF ASSEMBLY HAVE BEEN SETTLED. ALGERIA SUPPORTED US UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 03975 300914Z

AND SOV COMMENTS AND EXPRESSED FEAR COUNCIL MIGHT

RECEIVE POWERS WHICH WOULD EXCEED ITS COMPETENCE.  
HE PROPOSED ENTIRE PROVISION BE PLACED IN BRACKETS.  
PROVISION WILL NOW GO TO INFORMAL WG FOR FURTHER CONSID-  
ERATION.

4. THERE WAS BRIEF DISCUSSION ON RELATIVE ROLES OF COUNCIL  
AND ASSEMBLY ENTERING INTO AND IMPLEMENTING ARRANGEMENTS  
WITH UN AND INTERGOVERNMENTAL BODIES.

5. UKRAINE ASKED MALTESE PROVISION ON MAINTENANCE OF  
LAW AND ORDER BE DELETED AND REPLACED BY PROVISION  
WHICH WOULD AUTHORIZE COUNCIL DISCUSS ANY QUESTION  
RELATING TO OBSERVANCE OR IMPLEMENTATION OF ARTICLES.  
US ASKED ADDITIONAL PHRASE "AND TAKE APPROPRIATE ACTION  
THEREON" BE ADDED TO UKRAINE AMENDMENT.

6. MOST OF SESSION WAS DEVOTED TO DISCUSSION COUNCIL  
FUNCTION IN REGARD TO DISPUTE SETTLEMENT. SPANISH  
REP ARGUED BASIC ROLE IN DISPUTE SETTLEMENT SHOULD GO TO  
TRIBUNAL. HE ASKED PHRASE "NOTWITHSTANDING THE POWERS OF  
TRIBUNAL ESTABLISHED IN THIS TREATY" BE ADDED TO PROVISION ON  
DISPUTES. UK REP ASKED ENTIRE PROVISION BE DELETED AND COUNCIL  
FUNCTION BE LIMITED TO SEEKING AN ADVISORY OPINION FROM TRIBUNAL.  
USSR REP SUPPORTED SPANISH AMENDMENT AND CONCEPT OF INDEPENDENT  
TRIBUNAL WHICH SHOULD SETTLE DISPUTES. MALTA SAID PRESENT  
TEXT INADEQUATE AND DESCRIBED VARIETY OF DIFFERENT TYPES OF  
POSSIBLE DISPUTES AND PROPOSED COUNCIL HAVE DIFFERENT FUNCTION  
FOR DIFFERENT DISPUTES. GHANA REP ARGUED COUNCIL SHOULD NOT BE  
BURDENED WITH DISPUTE SETTLEMENT RESPONSIBILITES AND THAT  
ESTABLISHED PROCEDURES SHOULD BE USED. HE SPECIFICALLY OBJECTED  
TO REF TO DISPUTE SETTLEMENT PROCEDURE OF UN CHARTER ART 33.  
ALGERIA OPPOSED REF TO DISPUTE SETTLEMENT METHODS IN ART 33  
ALSO. HE STATED DISPUTE SETTLEMENT ARTICLE WOULD HAVE TO BE  
REWRITTEN.

7. US REP STATED IN REGARD TO INTERVENTION BY GHANA  
THAT TREATY WILL DEAL WITH DAY-TO-DAY COMMERCIAL  
ACTIVITIES. IT WOULD BE UNDESIRABLE CLOG ICJ CALENDAR  
WITH DISPUTES ARISING FROM SUCH ACTIVITIES. WHAT WILL BE  
NEEDED IS EASY, RAPID SETTLEMENT AND THIS WILL  
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 03975 300914Z

REQUIRE SPECIAL TRIBUNAL. JAPANESE REP SAID DISPUTE  
SETTLEMENT EXTREMELY IMPORTANT AND WILL REQUIRE INDE-  
PENDENT SET OF ARTICLES. HE OBSERVED IT IS NOT  
POSSIBLE TO DENY COUNCIL OR TECHNICAL COMMISSIONS ROLE IN  
DISPUTE SETTLEMENT. HE SUGGESTED PROVISION WHICH WOULD  
GIVE COUNCIL POWER TO ASSIST IN SETTLING DISPUTE IN  
IMPLEMENTATION OF TREATY ARTICLES. SEVERAL DELS INCLUDING  
MALTA, ALGERIA AND JAPAN ATTEMPTED DRAW DISTINCTION

BETWEEN VARIOUS TYPES DISPUTES, POLITICAL AND LEGAL,  
BETWEEN STATES AND BETWEEN AUTHORITY AND PARTIES,  
INVOLVING TREATY OR NOT. THESE DELS SUGGESTED THAT  
DIFFERENT TYPES OF DISPUTES BE HANDLED IN DIFFERENT  
WAYS. ONLY US ADDRESSED QUESTION OF PURELY COMMERCIAL  
DISPUTES.BASSIN

UNCLASSIFIED

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 30 JUL 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973GENEVA03975  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** n/a  
**From:** GENEVA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t1973074/aaaaacj1.tel  
**Line Count:** 121  
**Locator:** TEXT ON-LINE  
**Office:** ACTION L  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** izenbei0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 16 JAN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <16-Jan-2002 by phillir0>; APPROVED <13 MAR 2002 by izenbei0>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LOS: SC-I WG MTG JULY 24, MORNING SESSION  
**TAGS:** PBOR, UN  
**To:** SECSTATE WASHDC USUN NEW YORK  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005